

H. B. No. 785

By M. M. McKeen

A BILL
TO BE ENTITLED

Sections 3 and 10 of

AN ACT to amend the State Water Pollution Control Board Act, Acts 1961, 57th Legislature, 1st C. S., p. 156, Chapter 42, compiled as Article 762ld, Vernon's ~~Amended~~ *Revised* Civil Statutes, to clarify the duties, responsibilities and authority of designated personal representatives of Board members; to provide for Board membership; to clarify the responsibilities of the Railroad Commission, ~~as a member of the Board~~, providing for severability; and declaring an emergency.

new form

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That ~~part~~ *Section 3* of the State Water Pollution Control Board Act, Acts 1961, 57th Legislature, 1st C. S., p. 156, Chapter 42, compiled as Section 3 of Article 762ld, ~~Chapter 1, Title 128, Water, Revised Civil Statutes of Texas~~ *Vernon's Revised Civil Statutes of Texas*, is amended to read as follows:

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Section
"Sec. 3. (a) There is hereby created and established a State Water Pollution Control Board which shall be composed of seven (7) members. The Board is directed to carry out the functions and duties conferred on it by this Act. The Governor shall appoint, by and with the advice and consent of the Senate of Texas, three (3) members to the State Water Pollution Control Board. One (1) shall be appointed for a two ~~(2)~~ year term, one (1) for a four ~~(4)~~ year term, and one (1) for a six ~~(6)~~ year term. Thereafter, all appointments by the Governor to fill a vacancy at the end of a term shall be for a full six ~~(6)~~ year term. The appointments by the Governor shall be made as follows: One (1) member shall represent the agriculture and soil conservation interests; one (1) member, the manufacturing industry; and one (1) member, the general public interests. The present members of the Board appointed by the Governor shall continue to serve the unexpired portions of their respective terms of office, or until their successors are appointed and have qualified.

"(b) Vacancies occurring in any such office on the Board filled by appointment by the Governor during any term shall, with the advice and consent of the

Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term.

"(c) The seven (7) members of the Board shall receive no fixed salary for duties performed as members of the Board, but each member, excepting those representing the specified State agencies, shall be allowed, for each and every day in attending meetings of the Board, the sum of Twenty Dollars (\$20) including time spent in travel to and from such meetings, and all members shall be allowed traveling and other necessary expenses while in the performance of official duty to be evidenced by vouchers approved by the Executive Secretary. The members of the Board appointed by the Governor and confirmed by the Senate shall qualify by taking the Constitutional Oath of Office before an officer authorized to administer an oath within this State, and, upon presentation of such oath, together with the certificate of appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such. In addition to the three (3) members appointed by the Governor as provided herein, the Board shall also consist of the following State officers, each of whom shall be a member of said Board during the time that he is serving in such other official capacity, to wit: the Executive Director of the Texas Water Development Board, the State Commissioner of Health, the Executive Director of the Texas Parks and Wildlife Department, and the Chairman of the Railroad Commission of Texas, each of whom shall perform the duties required of a member of the Board by this Act in addition to those duties required of him in said other official capacities.

"(d) Each ex officio member of the Board listed in ^{subsection} ~~paragraph~~ (c) above, is authorized to delegate to a personal representative from his office the authority and duty to represent him on the Board, but by such delegation a member shall not be relieved of responsibility for the acts and decisions of his representative. The designated personal representative, while engaged in the discharge of official Board duties on behalf of and as authorized by such member, stands in the place and stead of such member for purposes of attending Board meetings, and for purposes of participating in and voting on matters

arising at Board meetings and hearings. The designated personal representative may exercise all of the powers, duties and responsibilities of the ex officio member, including the taking of testimony in any hearing called by the Board under the provisions of Section 4 (d), paragraph (2); may receive reimbursement for traveling and other necessary expenses, while engaged in the performance of official Board business in the same manner as the one he represents, under the provisions of ^{subsection} ~~paragraph~~ (c) above; and may serve as either chairman or vice-chairman of the Board under the provisions of Section 3 (f).

"(e) Actual and necessary travel and other expenses incurred by the four (4) ex officio members, or their designated personal representatives, in the discharge of their official duties as members of the Board shall be paid out of any funds made available to the agency of such ex officio member or his designated personal representative for the purposes of this Act. Employees of the Board shall receive such traveling expenses as may be authorized by the Legislature.

"(f) The Board shall elect a chairman and a vice-chairman from its members whose terms of office shall be for two (2) years commencing on February 1st of each odd-numbered year hereafter. At the first meeting of the Board, the chairman and vice-chairman shall be elected to serve until February 1, 1967. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board and perform the other duties hereinafter prescribed. The Board shall meet at regular intervals as may be decided upon by majority vote of the Board. Special meetings may be called by the chairman upon his own motion and must be called by him upon receipt of a written request therefor signed by two (2) or more members of the Board. A majority of said Board shall constitute a quorum to transact business. The Board shall have the power to make all necessary rules for its procedure and shall have a seal, the form of which it shall prescribe.

"(g) After consultation with the Board, the State Commissioner of Health shall designate an employee of the Texas State Department of Health in the

Water Pollution Control Division to serve as Executive Secretary of the Board. When so designated, such employee shall act as Executive Secretary. The Executive Secretary shall keep full and accurate minutes of all transactions and proceedings of said Board and perform such duties as may be required by the Board, and he shall be the custodian of all files and records of the Board. The Executive Secretary shall be the administrator of water pollution control activities for the Board.

"(h) Technical, scientific, legal or other services shall be performed by personnel of other State agencies when requested by the Board, but the Board may employ and compensate with funds available therefor professional consultants, assistants and employees that may be necessary to carry out the provisions hereof and prescribe their powers and duties. The Board may request and shall receive the assistance of any State educational institution, experimental station, or other State agency.

"(i) To carry out the provisions of this Act, any agency of this State with responsibilities under the laws of this State for water pollution control, and for which appropriations are made in the biennial ~~Appropriation~~ Act, is ^{leave 3} _{ago} hereby authorized to transfer to the Board out of such appropriations such annual amounts as may be mutually agreed upon by such an agency and by the Board, subject only to the concurrence of the Governor. In the event such transfers are insufficient to finance adequately the necessary activities of the Board, the Governor is authorized to transfer to the Board from the appropriations made to the Governor such amounts as he may determine. It is further provided that said Board is authorized to request, solicit, contract for, receive or ~~accept money from~~ any Federal or State agency, political subdivision or other legal entity to carry out the duties required of it by this Act. Such moneys as may be transferred under the provisions of this Subsection, and such gifts and grants as may be received by said Board, shall be deposited in the State Treasury in a special fund. Such moneys are hereby appropriated to said Board for any of the purposes set forth in this Act, including salaries, professional fees, wages, travel expenses, equipment, and other necessary expenses.

"(j) The Board shall make biennial reports in writing to the Governor and the Legislature, in which shall be included statements of its activities. All data collected by the Board shall be the property of the State of Texas.

"(k) Upon application of any person and upon payment of the fees prescribed therefor in the rules and regulations of the Board, the Board shall furnish certified copies of any of its proceedings or other official acts of record, or of any paper, map or document filed in the office of the Board. Such certified copies over the hand of the chairman or the Executive Secretary and the seal of the Board shall be admissible in evidence in any court or administrative proceeding, in the same manner and with like effect as the original would be."

Section 10(c)
Sec. 2. That ~~part~~ of the State Water Pollution Control Board Act, Acts 1961, 57th Legislature, 1st C. S., p. 156, Chapter 42, compiled as Section 10 (c) of Article 762ld, ~~Chapter 1, Title 128, Water, Revised Civil Statutes of Texas~~, is amended to read as follows: *Vernon's annotated civil statutes of Texas*

"~~Section 10(c)~~ The Texas Water Development Board, the Texas Parks and Wildlife Department, the Texas State Department of Health, and the Railroad Commission of Texas are charged with the following specific duties in addition to any other duties imposed on such agencies elsewhere in this Act:

"(1) It shall be the duty of the Texas Water Development Board to investigate and ascertain those situations in which the underground waters of the State are being polluted or are threatened with pollution, and it shall report all findings to the Board together with its recommendations in regard thereto.

"(2) It shall be the duty of the Texas Parks and Wildlife Department and the employees thereof duly authorized by such Department to enforce the provisions of this Act insofar as any violation hereof occurs which affects aquatic life, birds and animals.

"(3) The Texas State Department of Health shall continue to perform the research, training, planning and other functions presently being conducted by it in matters concerning pollution in cooperation with, or as a State agency contributing its services to, the Board.

"(4) The Railroad Commission of Texas shall be solely responsible for the control and disposition of waste and the abatement and prevention of pollution, resulting from activities associated with the exploration, development or production of oil or gas. Said Commission may issue permits for the discharge of waste resulting from such activities."

Section 10
Sec. 3. That ~~part~~ of the State Water Pollution Control Board Act, Acts 1961, 57th Legislature, 1st C. S., p. 156, Chapter 42, compiled as Section 10 of Article 762ld, ~~Chapter 1, Title 128, Water, Revised Civil Statutes of Texas~~, ^{Vernon's Annotated Civil Statutes} is amended by adding a new ^{subsection} ~~paragraph~~ thereto immediately following Section 10 (c)(4), to be designated as ^{subsection} ~~Section~~ 10 (d) to read as follows:

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"(d) Notwithstanding any provision of this Act, the Railroad Commission of Texas and the Texas Water Development Board shall respectively continue to exercise the authority granted to them in Chapter 82, Acts of the Fifty-seventh Legislature, Regular Session, 1961, codified as Article 762lb, Vernon's Annotated Civil Statutes; and the Railroad Commission of Texas shall continue to and be solely responsible for the exercise of the authority granted it in Chapter 406, Acts of the Fifty-fourth Legislature, Regular Session, 1955, codified as Article 6029a."

Sec. 4. Severability. If any Section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional.

Sec. 5. Emergency. The fact that the urgent need for a coordinated effort among the Texas Water Pollution Control Board and the several State agencies responsible for control, prevention, and abatement of pollution of this State's public waters creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect on September 1, 1965, and it is so enacted.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date APRIL 13, 1965

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on Oil Gas and Mining, to whom was referred H. B. No. 785, have had the same under consideration

and beg to report back with recommendation that it { ^{do} ~~do not~~ } pass, and be _____ printed

B. C. Slack
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

By: Mutscher

H. B. No. 785

A BILL TO BE ENTITLED

AN ACT

to amend Sections 3 and 10 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Article 762ld, Vernon's Texas Civil Statutes, to clarify the duties, responsibilities and authority of designated personal representatives of Board members; to provide for Board membership; to clarify the responsibilities of the Railroad Commission; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 3 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Section 3 of Article 762ld, Vernon's Texas Civil Statutes, is amended to read as follows:

"Section 3. (a) There is hereby created and established a State Water Pollution Control Board which shall be composed of seven (7) members. The Board is directed to carry out the functions and duties conferred on it by this Act. The Governor shall appoint by and with the advice and consent of the Senate of Texas, three (3) members to the State Water Pollution Control Board. One (1) shall be appointed for a two-year term, one (1) for a four-year term, and one (1) for a six-year term. Thereafter, all appointments by the Governor to fill a vacancy at the end of a term shall be for a full six-year term. The appointments by the Governor shall be made as follows: One (1) member shall represent the agriculture and soil

conservation interests; one (1) member, the manufacturing industry; and one (1) member, the general public interests. The present members of the Board appointed by the Governor shall continue to serve the unexpired portions of their respective terms of office, or until their successors are appointed and have qualified.

"(b) Vacancies occurring in any such office on the Board filled by appointment by the Governor during any term shall, with the advice and consent of the Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term.

"(c) The seven (7) members of the Board shall receive no fixed salary for duties performed as members of the Board, but each member, excepting those representing the specified State agencies, shall be allowed, for each and every day in attending meetings of the Board, the sum of Twenty Dollars (\$20) including time spent in travel to and from such meetings, and all members shall be allowed traveling and other necessary expenses while in the performance of official duty to be evidenced by vouchers approved by the Executive Secretary. The members of the Board appointed by the Governor and confirmed by the Senate shall qualify by taking the Constitutional Oath of Office before an officer authorized to administer an oath within this State, and, upon presentation of such oath, together with the certificate of appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such. In addition to the three (3) members appointed by the Governor as provided herein, the Board shall also consist of the following State officers, each of whom shall be a

member of said Board during the time that he is serving in such other official capacity, to wit: the Executive Director of the Texas Water Development Board, the State Commissioner of Health, the Executive Director of the Texas Parks and Wildlife Department, and the Chairman of the Railroad Commission of Texas, each of whom shall perform the duties required of a member of the Board by this Act in addition to those duties required of him in said other official capacities.-----

"(d) Each ex officio member of the Board listed in subsection (c) above, is authorized to delegate to a personal representative from his office the authority and duty to represent him on the Board, but by such delegation a member shall not be relieved of responsibility for the acts and decisions of his representative. The designated personal representative, while engaged in the discharge of official Board duties on behalf of and as authorized by such member, stands in the place and stead of such member for purposes of attending Board meetings, and for purposes of participating in and voting on matters arising at Board meetings and hearings. The designated personal representative may exercise all of the powers, duties and responsibilities of the ex officio member, including the taking of testimony in any hearing called by the Board under the provisions of Section 4 (d), paragraph (2); may receive reimbursement for traveling and other necessary expenses, while engaged in the performance of official Board business in the same manner as the one he represents, under the provisions of subsection (c) above; and may serve as either chairman or vice-chairman of the Board under the provisions of Section 3 (f).

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"(e) Actual and necessary travel and other expenses incurred by the four (4) ex officio members, or their designated personal representatives, in the discharge of their official duties as members of the Board shall be paid out of any funds made available to the agency of such ex officio member or his designated personal representative for the purposes of this Act. Employees of the Board shall receive such traveling expenses as may be authorized by the Legislature.

"(f) The Board shall elect a chairman and a vice-chairman from its members whose terms of office shall be for two (2) years commencing on February 1st of each odd-numbered year hereafter. At the first meeting of the Board, the chairman and vice-chairman shall be elected to serve until February 1, 1967. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board and perform the other duties hereinafter prescribed. The Board shall meet at regular intervals as may be decided upon by majority vote of the Board. Special meetings may be called by the chairman upon his own motion and must be called by him upon receipt of a written request therefor signed by two (2) or more members of the Board. A majority of said Board shall constitute a quorum to transact business. The Board shall have the power to make all necessary rules for its procedure and shall have a seal, the form of which it shall prescribe.

"(g) After consultation with the Board, the State Commissioner of Health shall designate an employee of the Texas State Department of Health in the Water Pollution Control Division to

serve as Executive Secretary of the Board. When so designated, such employee shall act as Executive Secretary. The Executive Secretary shall keep full and accurate minutes of all transactions and proceedings of said Board and perform such duties as may be required by the Board, and he shall be the custodian of all files and records of the Board. The Executive Secretary shall be the administrator of water pollution control activities for the Board.

"(h) Technical, scientific, legal or other services shall be performed by personnel of other State agencies when requested by the Board, but the Board may employ and compensate with funds available therefor professional consultants, assistants and employees that may be necessary to carry out the provisions hereof and prescribe their powers and duties. The Board may request and shall receive the assistance of any State educational institution, experimental station, or other State agency.

"(i) To carry out the provisions of this Act, any agency of this State with responsibilities under the laws of this State for water pollution control, and for which appropriations are made in the biennial Appropriation Act, is hereby authorized to transfer to the Board out of such appropriations such annual amounts as may be mutually agreed upon by such an agency and by the Board, subject only to the concurrence of the Governor. In the event such transfers are insufficient to finance adequately the necessary activities of the Board, the Governor is authorized to transfer to the Board from the appropriations made to the Governor such amounts as he may determine. It is further provided that said Board is authorized to request, solicit, contract for, receive or accept

money from any Federal or State agency, political subdivision or other legal entity to carry out the duties required of it by this Act. Such moneys as may be transferred under the provisions of this Subsection, and such gifts and grants as may be received by said Board, shall be deposited in the State Treasury in a special fund. Such moneys are hereby appropriated to said Board for any of the purposes set forth in this Act, including salaries, professional fees, wages, travel expenses, equipment, and other necessary expenses.

"(j) The Board shall make biennial reports in writing to the Governor and the Legislature, in which shall be included statements of its activities. All data collected by the Board shall be the property of the State of Texas.

"(k) Upon application of any person and upon payment of the fees prescribed therefor in the rules and regulations of the Board, the Board shall furnish certified copies of any of its proceedings or other official acts of record, or of any paper, map or document filed in the office of the Board. Such certified copies over the hand of the chairman or the Executive Secretary and the seal of the Board shall be admissible in evidence in any court or administrative proceeding, in the same manner and with like effect as the original would be."

Sec. 2. That Section 10 (c) of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Section 10 (c) of Article 7621d, Vernon's Texas Civil Statutes, is amended to read as follows:

"Section 10. (c) The Texas Water Development Board, the Texas Parks and Wildlife Department, the Texas State Department of Health, and the Railroad Commission of Texas are charged with the following specific duties in addition to any other duties imposed on such agencies elsewhere in this Act:

"(1) It shall be the duty of the Texas Water Development Board to investigate and ascertain those situations in which the underground waters of the State are being polluted or are threatened with pollution, and it shall report all findings to the Board together with its recommendations in regard thereto.

"(2) It shall be the duty of the Texas Parks and Wildlife Department and the employees thereof duly authorized by such Department to enforce the provisions of this Act insofar as any violation hereof occurs which affects aquatic life, birds and animals.

"(3) The Texas State Department of Health shall continue to perform the research, training, planning and other functions presently being conducted by it in matters concerning pollution in cooperation with, or as a State agency contributing its services to, the Board.

"(4) The Railroad Commission of Texas shall be solely responsible for the control and disposition of waste and the abatement and prevention of pollution, resulting from activities associated with the exploration, development or production of oil or gas. Said Commission may issue permits for the discharge of waste resulting from such activities."

Sec. 3. That Section 10 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature,

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1st Called Session, 1961, compiled as Section 10 of Article 7621d, Vernon's Texas Civil Statutes, is amended by adding a new subsection thereto immediately following Section 10 (c)(4), to be designated as Subsection 10 (d) to read as follows:

"(d) Notwithstanding any provision of this Act, the Railroad Commission of Texas and the Texas Water Development Board shall respectively continue to exercise the authority granted to them in Chapter 82, Acts of the 57th Legislature, Regular Session, 1961, codified as Article 7621b, Vernon's Annotated Civil Statutes; and the Railroad Commission of Texas shall continue to and be solely responsible for the exercise of the authority granted it in Chapter 406, Acts of the 54th Legislature, Regular Session, 1955, codified as Article 6029a."

Sec. 4. Severability. If any Section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional.

Sec. 5. Emergency. The fact that the urgent need for a coordinated effort among the Texas Water Pollution Control Board and the several State agencies responsible for control, prevention, and abatement of pollution of this State's public waters creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in

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each House be suspended; and said Rule is hereby suspended, and this Act shall take effect on September 1, 1965, and it is so enacted.

Austin, Texas
May 6, 1965

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on OIL AND GAS,
to which was referred H. B. No. 785, have had the same under
consideration, and I am instructed to report it back to the
Senate with the recommendation that it do _____
pass as amended and be _____ printed.

Leathorn
Chairman Calhoun

C.A.S.

Amendment No. 1

To H. B. 785

Payton
By *Kemper*

Amend H. B. 785, Sec. 2, Subsection (4) to read as follows:

Amendment No. 1

"The Railroad Commission of Texas shall be solely responsible for the control and disposition of waste and the abatement and prevention of pollution of water, both surface and subsurface, resulting from activities associated with the exploration, development or production of oil or gas. Said Commission may issue permits for the discharge of waste resulting from such activities."

ADOPTED

MAY 20, 1965

Schuster
SECRETARY OF SENATE

#1

T B

MAY 27 1965

The House has concurred in Senate amendments to House Bill No. 785 by vote of not record yes, noes

Dorothy Hallman

Chief Clerk, House of Representatives

Amend caption to conform to body
of bill.

ADOPTED

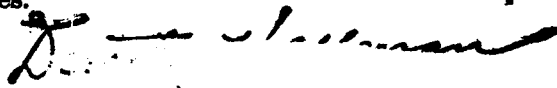
MAY 20, 1965



SECRETARY OF SENATE

MAY 27 1965

The House has concurred in Senate amendments
to House Bill No. 785 by vote of 209 ayes,
1 noes.


Chief Clerk, House of Representatives

ENROLLED

AN ACT

to amend Sections 3 and 10 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Article 7621d, Vernon's Texas Civil Statutes, to clarify the duties, responsibilities and authority of designated personal representatives of Board members; to provide for Board membership; to clarify the responsibilities of the Railroad Commission; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 3 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Section 3 of Article 7621d, Vernon's Texas Civil Statutes, is amended to read as follows:

"Section 3. (a) There is hereby created and established a State Water Pollution Control Board which shall be composed of seven (7) members. The Board is directed to carry out the functions and duties conferred on it by this Act. The Governor shall appoint by and with the advice and consent of the Senate of Texas, three (3) members to the State Water Pollution Control Board. One (1) shall be appointed for a two-year term, one (1) for a four-year term, and one (1) for a six-year term. Thereafter, all appointments by the Governor to fill a vacancy at the end of a term shall be for a full six-year term. The appointments by the Governor shall be made as follows: One (1) member shall represent the agriculture and soil

conservation interests; one (1) member, the manufacturing industry; and one (1) member, the general public interests. The present members of the Board appointed by the Governor shall continue to serve the unexpired portions of their respective terms of office, or until their successors are appointed and have qualified.

"(b) Vacancies occurring in any such office on the Board filled by appointment by the Governor during any term shall, with the advice and consent of the Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term.

"(c) The seven (7) members of the Board shall receive no fixed salary for duties performed as members of the Board, but each member, excepting those representing the specified State agencies, shall be allowed, for each and every day in attending meetings of the Board, the sum of Twenty Dollars (\$20) including time spent in travel to and from such meetings, and all members shall be allowed traveling and other necessary expenses while in the performance of official duty to be evidenced by vouchers approved by the Executive Secretary. The members of the Board appointed by the Governor and confirmed by the Senate shall qualify by taking the Constitutional Oath of Office before an officer authorized to administer an oath within this State, and, upon presentation of such oath, together with the certificate of appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such. In addition to the three (3) members appointed by the Governor as provided herein, the Board shall also consist of the following State officers, each of whom shall be a

member of said Board during the time that he is serving in such other official capacity, to wit: the Executive Director of the Texas Water Development Board, the State Commissioner of Health, the Executive Director of the Texas Parks and Wildlife Department, and the Chairman of the Railroad Commission of Texas, each of whom shall perform the duties required of a member of the Board by this Act in addition to those duties required of him in said other official capacities.

"(d) Each ex officio member of the Board listed in subsection (c) above, is authorized to delegate to a personal representative from his office the authority and duty to represent him on the Board, but by such delegation a member shall not be relieved of responsibility for the acts and decisions of his representative. The designated personal representative, while engaged in the discharge of official Board duties on behalf of and as authorized by such member, stands in the place and stead of such member for purposes of attending Board meetings, and for purposes of participating in and voting on matters arising at Board meetings and hearings. The designated personal representative may exercise all of the powers, duties and responsibilities of the ex officio member, including the taking of testimony in any hearing called by the Board under the provisions of Section 4 (d), paragraph (2); may receive reimbursement for traveling and other necessary expenses, while engaged in the performance of official Board business in the same manner as the one he represents, under the provisions of subsection (c) above; and may serve as either chairman or vice-chairman of the Board under the provisions of Section 3 (f).

"(e) Actual and necessary travel and other expenses incurred by the four (4) ex officio members, or their designated personal representatives, in the discharge of their official duties as members of the Board shall be paid out of any funds made available to the agency of such ex officio member or his designated personal representative for the purposes of this Act. Employees of the Board shall receive such traveling expenses as may be authorized by the Legislature.

"(f) The Board shall elect a chairman and a vice-chairman from its members whose terms of office shall be for two (2) years commencing on February 1st of each odd-numbered year hereafter. At the first meeting of the Board, the chairman and vice-chairman shall be elected to serve until February 1, 1967. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board and perform the other duties hereinafter prescribed. The Board shall meet at regular intervals as may be decided upon by majority vote of the Board. Special meetings may be called by the chairman upon his own motion and must be called by him upon receipt of a written request therefor signed by two (2) or more members of the Board. A majority of said Board shall constitute a quorum to transact business. The Board shall have the power to make all necessary rules for its procedure and shall have a seal, the form of which it shall prescribe.

"(g) After consultation with the Board, the State Commissioner of Health shall designate an employee of the Texas State Department of Health in the Water Pollution Control Division to

serve as Executive Secretary of the Board. When so designated, such employee shall act as Executive Secretary. The Executive Secretary shall keep full and accurate minutes of all transactions and proceedings of said Board and perform such duties as may be required by the Board, and he shall be the custodian of all files and records of the Board. The Executive Secretary shall be the administrator of water pollution control activities for the Board.

"(h) Technical, scientific, legal or other services shall be performed by personnel of other State agencies when requested by the Board, but the Board may employ and compensate with funds available therefor professional consultants, assistants and employees that may be necessary to carry out the provisions hereof and prescribe their powers and duties. The Board may request and shall receive the assistance of any State educational institution, experimental station, or other State agency.

"(i) To carry out the provisions of this Act, any agency of this State with responsibilities under the laws of this State for water pollution control, and for which appropriations are made in the biennial Appropriation Act, is hereby authorized to transfer to the Board out of such appropriations such annual amounts as may be mutually agreed upon by such an agency and by the Board, subject only to the concurrence of the Governor. In the event such transfers are insufficient to finance adequately the necessary activities of the Board, the Governor is authorized to transfer to the Board from the appropriations made to the Governor such amounts as he may determine. It is further provided that said Board is authorized to request, solicit, contract for, receive or accept

money from any Federal or State agency, political subdivision or other legal entity to carry out the duties required of it by this Act. Such moneys as may be transferred under the provisions of this Subsection, and such gifts and grants as may be received by said Board, shall be deposited in the State Treasury in a special fund. Such moneys are hereby appropriated to said Board for any of the purposes set forth in this Act, including salaries, professional fees, wages, travel expenses, equipment, and other necessary expenses.

"(j) The Board shall make biennial reports in writing to the Governor and the Legislature, in which shall be included statements of its activities. All data collected by the Board shall be the property of the State of Texas.

"(k) Upon application of any person and upon payment of the fees prescribed therefor in the rules and regulations of the Board, the Board shall furnish certified copies of any of its proceedings or other official acts of record, or of any paper, map or document filed in the office of the Board. Such certified copies over the hand of the chairman or the Executive Secretary and the seal of the Board shall be admissible in evidence in any court or administrative proceeding, in the same manner and with like effect as the original would be."

Sec. 2. That Section 10 (c) of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Section 10 (c) of Article 7621d, Vernon's Texas Civil Statutes, is amended to read as follows:

"Section 10. (c) The Texas Water Development Board, the Texas Parks and Wildlife Department, the Texas State Department of Health, and the Railroad Commission of Texas are charged with the following specific duties in addition to any other duties imposed on such agencies elsewhere in this Act:

"(1) It shall be the duty of the Texas Water Development Board to investigate and ascertain those situations in which the underground waters of the State are being polluted or are threatened with pollution, and it shall report all findings to the Board together with its recommendations in regard thereto.

"(2) It shall be the duty of the Texas Parks and Wildlife Department and the employees thereof duly authorized by such Department to enforce the provisions of this Act insofar as any violation hereof occurs which affects aquatic life, birds and animals.

"(3) The Texas State Department of Health shall continue to perform the research, training, planning and other functions presently being conducted by it in matters concerning pollution in cooperation with, or as a State agency contributing its services to, the Board.

"(4) The Railroad Commission of Texas shall be solely responsible for the control and disposition of waste and the abatement and prevention of pollution of water, both surface and subsurface, resulting from activities associated with the exploration, development or production of oil or gas. Said Commission may issue permits for the discharge of waste resulting from such activities."

Sec. 3. That Section 10 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature,

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1st Called Session, 1961, compiled as Section 10 of Article 7621d, Vernon's Texas Civil Statutes, is amended by adding a new subsection thereto immediately following Section 10 (c)(4), to be designated as Subsection 10 (d) to read as follows:

"(d) Notwithstanding any provision of this Act, the Railroad Commission of Texas and the Texas Water Development Board shall respectively continue to exercise the authority granted to them in Chapter 82, Acts of the 57th Legislature, Regular Session, 1961, codified as Article 7621b, Vernon's Annotated Civil Statutes; and the Railroad Commission of Texas shall continue to and be solely responsible for the exercise of the authority granted it in Chapter 406, Acts of the 54th Legislature, Regular Session, 1955, codified as Article 6029a."

Sec. 4. Severability. If any Section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional.

Sec. 5. Emergency. The fact that the urgent need for a coordinated effort among the Texas Water Pollution Control Board and the several State agencies responsible for control, prevention, and abatement of pollution of this State's public waters creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in

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each House be suspended; and said Rule is hereby suspended, and this Act shall take effect on September 1, 1965, and it is so enacted.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H. B. No. 785 was passed by the House on May 3, 1965, by a non-record vote; and that the House concurred in Senate amendments to H. B. No. 785 on May 27, 1965, by a non-record vote.

Chief Clerk of the House

I hereby certify that H. B. No. 785 was passed by the Senate, as amended, on May 20, 1965, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

6-9-65

Date

signed

Governor

4:30

Crawford C. Martin

A BILL
TO BE ENTITLED

—RETURNED FROM PRINTER. SENT TO SPEAKER

By: Mutscher

H. B. No. 785

A BILL TO BE ENTITLED

AN ACT

to amend Sections 3 and 10 of the State Water Pollution Control Board Act, Chapter 42, page 156, Acts of the 57th Legislature, 1st Called Session, 1961, compiled as Article 7621d, Vernon's Texas Civil Statutes, to clarify the duties, responsibilities and authority of designated personal representatives of Board members; to provide for Board membership; to clarify the responsibilities of the Railroad Commission; providing for severability; and declaring an emergency.

3- 9-65 Filed.

3-11-65 Read first time and referred to Committee on Oil, Gas and Mining.

4-13-65 Reported favorably, sent to printer.

4-14-65 Returned from printer, sent to Speaker.

5- 3-65 Read second time and ordered engrossed by a non-record vote.

5- 3-65 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 138, Nays 4.

5- 3-65 Read third time and passed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

5- 3-65 Sent to Engrossing Clerk.

5- 3-65 Engrossed.

Area Suppitt
Engrossing Clerk, H. of R.

MAY 4 - 1965

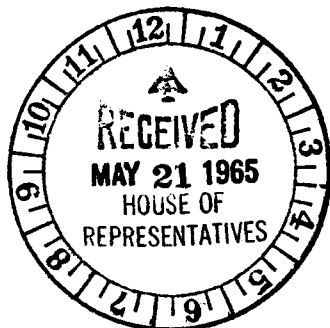
IN THE SENATE

Received from
the House.

MAY 4 1965 RETURNED FROM ENGROSSING
MAY 4 1965 SENT TO THE SENATE

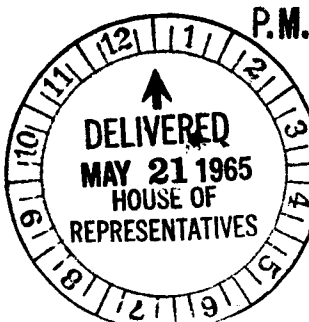
MAY 5 - 1965

Read first time
and referred to Committee
on Oil and Gas



MAY 20 1965
Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 31 yeas,
0 nays, to place bill on third
reading and final passage.

MAY 6 - 1965 Reported Favorably.
as amended



MAY 20 1965
READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 31 Nays 0

Charles Schnabel
Secretary of the Senate

MAY 21 1965

SENT TO HOUSE

MAY 20 1965
READ SECOND TIME, amended
AND PASSED TO THIRD READING.

MAY 20 1965

Amend caption to conform to body
of bill.

MAY 21 1965

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 21 1965 RETURNED FROM SENATE, SENT TO PRINTER AS AMENDED

MAY 21 1965 RETURNED FROM PRINTER SENT TO THE SPEAKER

MAY 27 1965

The House has concurred in Senate amendments
to House Bill No. 785 by vote of no record ayes,
noes.

MAY 27 1965

SENT TO ENROLLING CLERK

Dorothy Hallman

Chief Clerk, House of Representatives